



THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Dehora M. Bresch, Esq.,
Senior State Legislative Director,
Government Relations

www.asPCA.org
deborab@asPCA.org
P/F: (908) 232-0364
Cell: (917) 679-1008

MEMORANDUM IN SUPPORT OF HB 5344

AN ACT CONCERNING SUPPORT FOR ANIMALS THAT ARE NEGLECTED OR TREATED CRUELLY ("DESMOND'S LAW")



Founded in 1866 as the nation's first humane organization, the American Society for the Prevention of Cruelty to Animals (ASPCA), on behalf of our over 20,000 Connecticut supporters, respectfully but strongly urges the Judiciary Committee to joint favorably report HB 5344.

The appointment of court advocates in cruelty law prosecutions, including related proceedings to assess the custody or welfare of subject animals, would likely result in proceedings that are more balanced, efficient, and, ultimately, just.

The by-now familiar data collated by the Judicial branch, as well as anecdotal evidence, suggest a worrisome and persistent weak enforcement of Connecticut's cruelty laws, with 80% of all cases ending in withdrawal or dismissal and only 1.5% of the cases that proceed charged as felonies.¹ In addition, each year, on average, 1/3 of all cases are sent to Accelerated Rehabilitation (AR), a pre-trial diversionary program permitting record expungement if a defendant is not known to have violated the program's terms for two years.² Unfortunately, although AR is statutorily prescribed for "crimes not of a serious nature," it has been offered to the most violent animal cruelty offenders, including the individual who tortured and killed Desmond, the dog after whom the current proposal is named.

The appointment of court advocates would be discretionary, but courts would likely quickly recognize their utility – for example:

- their familiarity with the sociology of animal cruelty (e.g., the predictive value of animal cruelty for other antisocial behavior) and best practices in animal cruelty law enforcement
- their knowledge of appropriate rehabilitative programs and their potential role in advocating for the introduction of such programs in Connecticut;

¹ 2005-2015: 3,513 animal cruelty prosecutions, of which: 47% (1,652) were withdrawn (i.e., nolleed), 33% (1,175) were dismissed, and 1.5% (56) were felony-level prosecutions.

² 2007-2012: 60 convictions (avg.) per year, of which 20 (avg) received Accelerated Rehabilitation (AR).



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- their capacity, at no cost to the legal system, to quickly obtain and share information with each party and the court, potentially hastening case resolution, including often otherwise drawn-out and costly custody issues;
- their potential ability to reduce pressure on courts to succumb to or distance themselves, independent of case facts, from ex parte communications by the interested public.

In sum, because the presence of court advocates would likely result in more efficient and yet more just outcomes, the ASPCA respectfully urges the Judiciary Committee to joint favorably report HB 5344.

Sincerely,

A handwritten signature in black ink, appearing to read "Debora M. Bresch".

Debora M. Bresch, Esq.
Senior State Legislative Director